

REMARKS

This submission is presented in response to the Office Action of September 1, 2005 in which claims 1-32 are pending. The Examiner has objected to the Abstract as exceeding a maximum set limit of 150 words. In addition, claims 1-13 have been rejected under 35 U.S.C. 101 as being allegedly directed to non-statutory subject matter. Further, claims 1, 2, 6-21, and 25-32 have been rejected under 35 U.S.C. 102(e) as being allegedly anticipated by Han et al. (U.S. Patent Publication No. 2002/0052807), hereinafter "Han". Finally, claims 3-5 and 22-24 have been rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Han as applied to claims 1 and 20 and in view of Official Notice. Claims 1, 2, 4, 6-14, 16-21, and 25-30 have been amended. Claims 3, 5, 15, 22, and 24 have been canceled. New claims 33-37 have been added. The Applicant submits that claims 1, 2, 4, 6-14, 16-21, 23, and 25-37 are in condition for allowance for at least the reasons presented herein. No new matter has been entered by this amendment.

Claim Rejections Under 35 USC § 101

Claims 1-13 have been rejected under 35 U.S.C. 101 as allegedly directed to non-statutory material. In particular, the Examiner states that the method claims 1-13 recite an abstract idea, i.e., facilitating product development processes that do not "apply, involve, use, or advance the technological arts since all of the recited steps can be performed in the mind" (Office Action, page 3). The Applicant has canceled claims 2 and 4. In addition, the Applicant has amended claims 1, 3, and 5-13 to recite a "computer-implemented method". The Applicant submits that claims 1, 3, and 5-13 recite statutory subject matter in accordance with 35 U.S.C. 101 and respectfully request reconsideration and withdrawal of the outstanding rejections.

Claim Rejections Under 35 USC § 102

Claims 1, 2, 6-21, and 25-32 have been rejected under 35 U.S.C. 102(e) as being allegedly anticipated by Han. The Applicant respectfully traverses the outstanding rejections. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. V. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Moreover, "[t]he identical invention must be shown in as complete detail as is contained in the * * * claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Claim 1 is not anticipated by Han, because Han does not teach or suggest each and every element recited therein. As amended, claim 1 recites in part, "providing access to a web site of said product development enterprise by said at least one customer enterprise via said computer network;

providing access to an account maintained on behalf of said customer enterprise;

receiving data inputs pertaining to a product development request for a new product, said product development request originating from said customer enterprise;

receiving data inputs pertaining to the new product from a marketing enterprise, the data inputs from the marketing enterprise including:

new trends in consumer behavior;

economic or market conditions influencing said consumer behavior; and

competitor analyses;

storing said data inputs from the customer enterprise and the marketing enterprise in a data storage device;

extracting said data inputs from the customer enterprise and the marketing enterprise for review and analysis;

establishing a product development plan in response to said review and said analysis."

Claim 1 has been amended to include features recited in canceled claims 3 and 5; thus, no new matter has been entered by this amendment. However, since the Examiner has rejected newly canceled claims 3 and 5 under 35 U.S.C. 103, the Applicant will address the rejection of claim 1 under both 35 U.S.C. 102 and 103.

The Examiner states with respect to claim 1, that Han teaches "providing access to an account maintained on behalf of said customer enterprise", citing Paragraph 94. Han discloses a customer initiating a request for a quote (RFQ), which is assigned a specific number usable by the customer for tracking the RFQ. The Examiner states that the RFQ acts as a customer account that the customer can maintain via the website. The Applicant respectfully disagrees. A tracking number is not synonymous with an account; e.g., one can track an order placed online without any requirement to establish an account. Further, there is no mention anywhere in the Han reference of an account.

The Examiner concedes that Han does not teach or suggest receiving data inputs from a marketing enterprise that include new trends in consumer behavior, economic or market conditions influencing the consumer behavior and competitor analysis as recited in amended claim 1 (and canceled claims 3, 5). However, the Examiner states that the Team and Enterprise Participation Suites disclosed in Han as teaching an inter-active environment where every member of the company's value network can participate with a product (Paragraphs 60 and 61), coupled with Official Notice with respect to a marketing enterprise, renders obvious Applicant's claim 1. As shown and described in Figure 7 of Han, numerous participants in the design tool are specifically named and described. Han, however, is entirely devoid of teaching a marketing enterprise providing data inputs as part of the production development process as recited in Applicant's claim 1.

The Examiner suggests that such feature is well known in the art at the time of invention (Office Action, page 13). The Applicant submits that the Examiner's use of Official Notice in this circumstance is improper. MPEP § 2144.03 defines when it is proper to use Official Notice. In particular, the MPEP states "Official notice unsupported by documentary evidence should only be taken by the examiner where the facts asserted to be well-known, or to be common knowledge in the art are capable of instant and unquestionable demonstration as being well-known." The MPEP also states "It would not be appropriate for the examiner to take official notice of facts without citing a prior art reference where the facts asserted to be well known are

not capable of instant and unquestionable demonstration as being well-known." The MPEP gives as an example specific knowledge of the art. In this case, the limitations of a structural manner of unifying the cover and the door and the air cleaning device are not capable of instant and unquestionable demonstration as being well-known. Applicant asserts that it is improper to rely on Official Notice for the features recited in claim 1. Accordingly, the Applicant submits that claim 1 is neither anticipated by, nor rendered obvious over Han. Claims 2 and 6-13 depend from what should be an allowable claim 1. For at least these reasons, the Applicants submit that claims 2 and 6-13 are also in condition for allowance and respectfully request reconsideration and withdrawal of the outstanding rejections.

Claims 14 and 20 recite a system, and storage medium, respectively, for facilitating production development process. Claims 14 and 20 have been amended in a substantially similar fashion as claim 1. For at least the reasons presented above with respect to claim 1, the Applicant submits that claims 14 and 20 are neither anticipated by, nor rendered obvious in view of Han. Claims 15, 22, and 24 have been canceled. Claims 16-19 and 33-37 depend from what should be an allowable claim 15. New claims 33-37 recite features substantially similar to those recited in claims 2, 4, and 6-13. Thus, no new matter has been entered. Claims 16-19 and 33-37 should be allowable at least due to their dependencies on claim 15. Accordingly, the Applicant respectfully requests reconsideration and withdrawal of the outstanding rejections.

Claims 22 and 24 have been canceled. Claims 21, 23, and 25-32 depend from what should be an allowable claim 20. For at least this reason, the Applicant submits that claims 21, 23, and 25-32 are in condition for allowance.

Claim Rejections Under 35 USC § 103

Claim 3-5 and 22-24 have been rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Han as applied to claims 1 and 20 above. Claims 3, 5, 22, and 24 have been canceled. As indicated above, claims 1 and 20 are believed to be patentable over Han. Claims 4 and 23 depend from what should be allowable claims 1 and 20, respectively. Accordingly, the Applicant respectfully requests reconsideration and withdrawal of the outstanding rejections.

Conclusion

In view of the foregoing amendments and remarks, the Applicant submits that the above-identified application is now in condition for allowance. Early notification to this effect is respectfully requested.

If there are any charges with respect to this response or otherwise, please charge them to Deposit Account 06-1130 maintained by Applicant's attorneys.

Respectfully submitted,

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